

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
RICHARD W. MAGEL  
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2021 APR -9 PM 2:41  
U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

**ANDREW SMIGELSKI,**

**Plaintiff**

**V.**

**GREGG CLULEY et al.,**

**Defendants**

**Civil Action 2:20-cv-4812  
Judge Sarah D. Morrison  
Magistrate Judge Jolson**

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**PLAINTIFF'S RESPONSE TO DEFENDANT JOSH MOWERY'S ATTORNEY'S  
RULE 12 (f) MOTION**

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**Plaintiff Pro Se**, Andrew Smigelski, objects to Defendant Mowery's Attorney's motion to strike the following paragraphs:

18 through 25, 29 through 31, 41-42, 46-50, 52-55, 61-66, 71-72, 103, 110-119, 144, 176-179

Perhaps no one involved in this litigation would benefit more from a streamlined pleading process. However, part of this attempt to strike amounts to an attempt to censor and sanitize the Plaintiff's complaint. While some of the paragraphs may not be directly relevant to the current defendants, a number of the sections that Mowery's attorney claims are "impertinent" may actually be relevant to the case at hand.

¶ 18-20, 29-31, 41-42, 46-47, 50 provide background on Mowery's premeditation, including conspiring with J. James

¶ 21-23 provide background on Mowery's professional career and history of threatening violence

¶ 24-25 show Mowery's potential intent for perpetrating politically motivated violence in this case.

¶ 71-72 show Mowery conspiring with Gregg Cluley at the police station

¶ 103 shows the prosecutor, Abigail Saving, knew the charges to be without merit, though she was still willing to lie and withhold evidence to gain a conviction

¶ 110-119 show the prosecutor's early attempts to cover for Officer Cluley, as well as both monetary damages and pain and suffering damages.

¶ 144 is relevant to the direct leadup to the excessive force incident

¶ 176-179 are relevant to Mowery's bias. It is offensive for Mowery's attorney to refer to Plaintiff's use of the terms "Neo-Nazi" and "White supremacist" as "scandalous." If these terms are too "scandalous" to be included, Plaintiff requests instruction on the current politically correct euphemism to refer to an officer who idolizes Hitler.

Attached as an exhibit are the posts in question, obtained from Mowery's official personnel file through a public records request.

**In conclusion**, Plaintiff agrees that parts of the complaint may not be relevant to the current defendants, but is concerned that other portions that the Defendant's attorney is attempting to remove may be necessary. Plaintiff therefore requests the above paragraphs be given extra consideration before they are stricken from the complaint.

*Andrew Smigelski*

  
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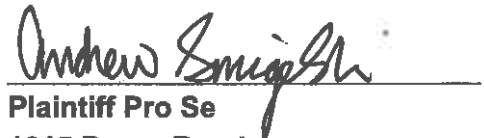
**CERTIFICATE OF SERVICE**

I, Andrew Smigelski, the Plaintiff Pro Se, certify that copies of the above Response to Defendant's Rule 12(f) motion have been served upon the counsel for Defendants Mowery, Gabriel, Skinner, and Cluley via email on April 8, 2021:

Michael S. Loughry  
175 South Third Street  
Suite 100  
Columbus, Ohio 43215  
**Counsel for Cluley, Skinner, Gabriel.**

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**Counsel for Mowery**

*Andrew Smigelski*



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Is this the guy? Does he idolizes Hitler? If so, that's unbecoming of a public servant.... It'd be a pity if someone posted this around...



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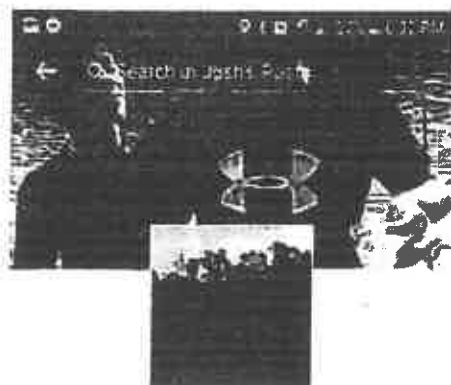
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Friends 110

16 minutes ago · Like · Reply · 1



16 minutes ago · Like · Reply ·  1



[REDACTED]



Josh Mowery



Lives in Logan, Ohio

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16 minutes ago · Like · Reply ·  1



Write a reply...



Yup. Logan not Kirkersville

14 minutes ago · Like · Reply



He most definitely idolize Hitler

13 minutes ago · Like · Reply